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IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2021L002862

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION**

ANGELA HEIMGARTNER,

Plaintiff,

-vs-

G-III LEATHER FASHIONS, INC. and
KENNETH COLE PRODUCTIONS, INC.,

Defendants.

Case No. 2021L002862

12588191

COMPLAINT AT LAW

NOW COMES the Plaintiff, ANGELA HEIMGARTNER, by and through her attorneys, SEIDMAN MARGULIS & FAIRMAN, and for her Complaint against the Defendants, G-III LEATHER FASHIONS, INC. and KENNETH COLE PRODUCTIONS, INC., states as follows:

1. At all relevant times stated herein the Defendant, G-III LEATHER FASHIONS, INC. (hereinafter "G-III"), was a foreign corporation that conducted business by selling and distributing apparel at retail locations throughout Cook County, Illinois.

2. At all relevant times stated herein the Defendant, KENNETH COLE PRODUCTIONS, INC. (hereinafter "Kenneth Cole"), was a foreign corporation that conducted business by selling and distributing apparel at retail locations throughout Cook County, Illinois.

3. That at all times relevant to this Complaint, the Plaintiff, ANGELA HEIMGARTNER, was a resident of Highland Park, Lake County, Illinois.

EXHIBIT "A"

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4. Prior to December 3, 2019, upon information and belief, the Defendants, G-III and KENNETH COLE, each and both of them, designed, manufactured, distributed and sold a Kenneth Cole Reaction Women's Jacket featuring tag identifiers RN54163 and CA57151 (hereinafter "jacket").

5. That on December 3, 2019, the Plaintiff was wearing the aforementioned jacket on her commute home on a train from Chicago, Cook County, Illinois.

6. That at all times relevant to this Complaint, Defendants, G-III and KENNETH COLE, each and both of them, had a duty to design, manufacture, distribute, and sell the subject jacket so that it was neither defective nor unreasonably dangerous when utilized by end users, and specifically owed said duty to the Plaintiff, a purchaser and user of the subject jacket.

7. At the time the subject jacket left the control of Defendants, G-III and KENNETH COLE, each and both of them, the jacket was in a defective condition and not reasonably safe for its foreseeable use in that:

- (a) the subject jacket featured a metal tipped elastic drawstring which posed a recognized risk of snapping back and striking the wearer of the jacket when said drawstring was pulled or caught;
- (b) the subject jacket failed to feature appropriate warnings alerting the wearer of the jacket of the unreasonable hazard posed by the metal tipped elastic drawstring;
- (c) the subject jacket does not contain reasonably foreseeable safeguards to prevent avoidable injuries;

8. As a direct and proximate result of the defective and unreasonably dangerous conditions of the subject jacket which were present when the jacket left the Defendants' control, the Plaintiff, ANGELA HEIMGARTNER, while rising from her

seat on a commuter train, was caused to sustain serious and permanent life altering injuries when the elastic metal tipped drawstring of the subject jacket became lodged between the seats on the train and thereafter snapped back with the metal tip striking her eye upon becoming dislodged from the seats.

9. As a further proximate result of the defective condition of the jacket, the Plaintiff, ANGELA HEIMGARTNER, sustained severe and permanent injuries, incurred medical expenses, lost time from work and will continue to lose time from work, has had a dramatic impact on her activities of daily living and will continue to have such an impact, has sustained and will continue to sustain great pain and suffering, and has incurred serious and permanent disfigurement.

WHEREFORE, the Plaintiff, ANGELA HEIMGARTNER, prays for judgment against the Defendants, G-III LEATHER FASHIONS, INC. and KENNETH COLE PRODUCTIONS, INC, each and both of them, in an amount greater than the jurisdictional limits plus the costs of this action.

Respectfully submitted,
SEIDMAN MARGULIS & FAIRMAN, LLP

By: /s/ Ryan A. Margulis
Attorneys for the Plaintiffs

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